

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID ORTIZ,
Plaintiff,
v.
STEVE FREITAS, et al.,
Defendants.

Case No. 14-cv-00322-JSC

**ORDER RE: PLAINTIFF'S
DEPOSITION**

This case came before the Court for a Case Management Conference on April 2, 2015 to discuss Plaintiff's availability for deposition. At a prior Case Management Conference on January 8, 2015, Plaintiff's counsel informed the Court that Plaintiff was unavailable for deposition having recently entered a residential treatment program. (Dkt. No. 74.) Plaintiff was set to be released from the program on March 10, 2015. Based on the agreement of the parties, the Court ordered his deposition to occur on March 18. (Dkt. No. 75.) In the interim, Plaintiff's counsel was ordered to file status reports regarding Plaintiff's continued participation in the residential treatment program in February and March. (*Id.*) Although Plaintiff left the residential treatment in February, Plaintiff's counsel did not file the required status reports advising the Court of this fact. Plaintiff's deposition did not occur on March 19, 2015 because Plaintiff's counsel, Mr. Shapiro, suffered an injury which rendered him incapacitated. (Dkt. No. 78.) Plaintiff's counsel represents that on March 19, Plaintiff entered another 90-day residential treatment program. (*Id.*)

Plaintiff is ORDERED TO APPEAR for deposition on **July 7, 2015** at 10:00 a.m. at the office of Plaintiff's counsel or another mutually agreed upon location. **If Plaintiff or his counsel fail to appear for the deposition, this case may be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b).**

1 A further case management conference is scheduled for July 30, 2015 at 1:30 p.m.; a joint
2 case management conference shall be filed by July 23, 2015.

3 **IT IS SO ORDERED.**

4 Dated: April 3, 2015

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7 JACQUELINE SCOTT CORLEY
8 United States Magistrate Judge
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